

REMARKS

Applicant has carefully reviewed the preliminary Office Action dated October 29, 2007. In response, Examiner-identified Species A (claims 1, 2 and 4) is hereby provisionally elected for prosecution. Claims 13 and 14 are amended to depend from claim 1, and the remaining claims are withdrawn. No new matter is added. Hence, it is believed that claims 1, 2, 4, and 13-16 “read on” the elected species.

Applicant also respectfully traverses the restriction request on the ground that a proper basis for the restriction is not set forth. Specifically, the Examiner states that “[n]o special technical feature . . . is present in a claim generic to all species.” The Examiner admits that claim 1 is generic to all species, and no evidence is provided as to why it does not include a “feature that patentably distinguishes over the prior art” (which is not the proper consideration for restriction, but rather, patentability). Hence, proper evidentiary support for the restriction request is lacking, and examination of all claims is in order.

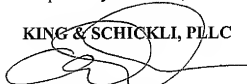
Moreover, the MPEP requires that

When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group . . .

MPEP 1893.03. Respectfully, the proper showings have not been made.

Respectfully submitted,

KING & SCHICKLI, PLLC



Andrew D. Dorisio
Registration No. 41,713

247 North Broadway
Lexington, KY 40507-1058
(859) 252-0889